

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Application of: Emery Randolph Best, et al.
Serial No.: 10/718,170
Filing Date: November 20, 2003
Examiner: Unknown
Group Art Unit: Unknown
Title: METHOD AND SYSTEM FOR PREVENTING ILLITERACY IN
SUBSTANTIALLY ALL MEMBERS OF A PREDETERMINED SET

Certification Under 37 C.F.R. 1.8Date of Mailing: November 8, 2005

I hereby certify that I have caused the documents indicated below to be deposited with the United States Postal Service to Addressee with sufficient postage via first class mail under 37 CFR § 1.8 on the date indicated above and addressed to Mail Stop: Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lee Ann Carter

REQUEST FOR DISMISSAL OF PETITION TO REVIVE

Dear Sir:

Applicant and Assignee of the entire right, title and interest to and in the above-referenced patent application, Voyager Expanded Learning, Inc., has received and reviewed the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (the "Petition") filed with the Office of Petitions on October 17, 2005 on behalf of Edsoft Software Corporation ("ESC") regarding the now-abandoned U.S. Patent Application No. 10/718,170 (the '170 Application). In conjunction with the filing, ESC filed documentation purported to establish an interest in the '170 Application and attempting to explain the rationale for filing the Petition on its behalf. However, Applicant respectfully submits to the U.S. Patent and Trademark Office that the filing of the Petition made by ESC was made inappropriately and illegally in an attempt to convert patent rights of Applicant to its own use. The filing of the Petition, in essence, was made by ESC with the intention to perpetrate a fraud on the U.S. Patent and Trademark Office, seeking to establish an interest in the '170 Application when legally none exists.

Applicant, Voyager Expanded Learning, Inc., is Assignee of the entire right, title and interest to and in the above-referenced continuation patent application and its parent application, 10/124,587 (now U.S. Patent No. 6,676,413), as evidenced by the attached Patent Assignment Abstract of Title on Reel/Frame 012837/0255. Applicant has at no time and presently does not intend to assign any of its right, title and interest in the now-abandoned '170 Application to ESC. Therefore, the Statement Under 37 CFR 3.73(b) wherein Kenneth A. Sumrall, President of Edsoft Software Corporation, informed this Office that Edsoft Software Corporation is the current Assignee of record is fraudulent. ESC is not, nor has it ever been, Assignee of record for the above-referenced application and Applicant does not intend to make a filing, conveying any of its rights, title and interest in the '170 Application or any related application to ESC.

Since Applicant is the Assignee of record for the above-referenced application and filed the '170 Application on its behalf, only Applicant (Assignee of record) has the authority to prosecute or abandon the '170 Application; Applicant has abandoned the '170 Application and it should remain abandoned.

As indicated in ESC's filing, a pending dispute exists between Applicant and ESC. This dispute, however, is outside the subject matter and jurisdiction of the U.S. Patent and Trademark as the dispute pertains to contract interpretation and not the prosecution or granting of patent rights. Accordingly, Applicant and Assignee of the entire right, title and interest to and in the above-referenced patent application respectfully requests that this Office deny ESC's Petition to Revive so the '170 Application remains abandoned.

In light of the above, Applicant respectfully requests and rightfully demands that no action, other than rejection, denial and dismissal of ESC's Petition, be taken by the U.S. Patent and Trademark Office.

Should this Office have any questions regarding this request to dismiss the Petition now pending, please direct such to the telephone, email, and/or mailing address listed below.

Respectfully Submitted,



William N. Hulsey III
Reg. No. 33,402

Dated: November 8, 2005

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